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Letter dated 20 October 2016 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to transmit to you herewith the following documents:

1. Political Agreement for the holding of peaceful, credible and transparent elections in the Democratic Republic of the Congo, signed on 18 October 2016 by all the stakeholders who participated in the dialogue (see annex I);

2. The press release of Mr. Idriss Deby Itno, President of the Republic of Chad and Chairperson of the African Union (see annex II);

3. The press release of Mr. Edem Kodjo, facilitator of the dialogue (see annex III).

I should be grateful if you would have the present letter and its annexes circulated as a document of the Security Council.

(*Signed*) Ignace **Gata Mavita**
Ambassador
Permanent Representative

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Annex I to the letter dated 20 October 2016 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

Political Agreement for the holding of peaceful, credible and transparent elections in the Democratic Republic of the Congo

October 2016

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Preamble

We, delegates of the political and social forces of the Democratic Republic of the Congo, representatives of the presidential majority, the political opposition and civil society, as well as Congolese personalities (hereinafter the Parties), meeting in the context of the national and inclusive political dialogue, to address the issue of the organization of peaceful, credible and transparent elections, in accordance with the principles set forth in the Constitution,

Guided by the Constitution of the Democratic Republic of the Congo of 18 February 2006, as amended, United Nations Security Council resolution 2277 (2016) of 30 March 2016 and other relevant national and international legal and normative instruments,

Pledging to fully comply with the Constitution,

Having recognized the need for a national and inclusive political dialogue for some years now, and with a view to improving the electoral process, dealing with the contradictions arising therefrom and preventing potential political crises,

Committed to promoting dialogue and the peaceful settlement of political disputes in a spirit of compromise, while giving primacy to the national interest,

Resolved to strengthen the rule of law through respect for the values of democracy, including tolerance, solidarity, compromise, equality, individual and collective civil liberties, fairness, free and multiparty elections, the separation of powers, respect of institutions, compliance with the rule of law, the independence of the judiciary, abiding by court decisions, abiding by laws and regulations, accountability, good governance and democratic change of government through elections,

Guided by consensus as the means for adopting decisions, and by the road map for the inclusive national political dialogue adopted on 23 August 2016, as amended by the plenary meeting of the dialogue on 5 September 2016,

Enlisting his Excellency Mr. Edem Kodjo, the facilitator appointed by the African Union as a witness,

Considering Order No. 15/084 of 28 November 2015 of the President of the Republic on the convening of the inclusive national political dialogue,

Mindful of our responsibilities before God, the nation, Africa and the world, have agreed as follows:

Chapter I: Electoral roll

Article 1

In order to ensure that the electoral process is inclusive and credible, to ensure universal suffrage and aware that the 2011 electoral roll is inadequate and out of date, notwithstanding a revision undertaken in 2015; taking note of the technical opinion of the National Independent Electoral Commission, supplemented by the reports of experts, including reports of the United Nations, the Organisation Internationale de la Francophonie and national experts, we agree that a new

electoral roll should be established and recommend that the Electoral Commission should continue the ongoing voter identification and registration process.

In order to avoid the significant cost of frequent revisions of the electoral roll, which is an obstacle to the holding of elections scheduled under each electoral cycle in a timely manner, we suggest that the Government should, upon completion of the ongoing work on the electoral roll, make every effort to enable the Office national d'identification de la population (ONIP) to develop a general permanent register of the population of the Democratic Republic of the Congo from which the electoral roll for each electoral cycle will be drawn.

Article 2

The new electoral roll shall, in accordance with Act No. 16/007 of 29 June 2016 amending and supplementing Act No. 04/028 of 24 December 2004 on the identification and enrolment of voters, enrol all Congolese of voting age living in the country and abroad.

Article 3

The electoral list shall be drawn up by 31 July 2017, it being understood that this deadline covers all the necessary phases, including notices of bids for tender, the signing and execution of contracts for the supply of electoral kits, the identification and enrolment of voters and the display of electoral lists.

Chapter II: Sequencing of elections

Article 4

There shall be a single process for the presidential, legislative and provincial elections.

Technical and financial resources permitting, local, municipal and urban elections shall be held simultaneously with the presidential, legislative and provincial elections.

The stakeholders recommend that the Government should provide the Electoral Commission with adequate financial and logistical resources required for the holding of the above-mentioned elections in accordance with the calendar.

Chapter III: Electoral calendar

Article 5

Bearing in mind the mandatory deadlines for establishing the new electoral roll, preparing the various combined elections and the holding of such elections, the Parties have agreed on the following components of the comprehensive calendar:

(a) Establishment of the new electoral roll by 31 July 2017;

(b) Calling for elections upon the promulgation of the act on the allocation of seats by 30 October 2017;

(c) Once the polls have been scheduled, the Electoral Commission shall prepare and hold the elections for the President, national and provincial

representatives within six months. However, in collaboration with the Monitoring Committee, the Electoral Commission shall review its calendar and make such adjustments as are necessary to ensure its successful implementation;

(d) The local, municipal and urban elections shall be held simultaneously with the presidential, legislative and provincial elections, technical and financial resources permitting. Otherwise, they shall be held no later than six months after the presidential, legislative and provincial elections. This period may be extended once.

Chapter IV: Fairness and transparency of the electoral process

Article 6

In order to ensure that the electoral process is fair and transparent for all Congolese citizens and pursuant to other existing legal and normative instruments, the Parties agree as follows:

(a) All points of view shall have guaranteed access to the public media;

(b) The private media shall comply with their duty to cater to the public;

(c) The political parties and other stakeholders shall assign to all the polling centres witnesses and observers duly trained to participate in the major phases of the electoral process and the Electoral Commission and other relevant authorities shall help in doing so;

(d) The electoral code shall be strictly enforced in order to prevent fraud and any violent acts during the elections;

(e) Internally displaced persons shall be identified and adequate steps shall be taken to enable them to register and vote without prejudice to such measures as are necessary to allow them to return quickly to their habitual places of residence;

(f) The standing consultation forum for the Electoral Commission and the stakeholders should be strengthened and all major decisions shall be taken by consensus;

(g) The electoral code shall be amended to take into account gender and the concerns of people with disabilities.

Article 7

A press release shall be issued on the funds allocated to the Electoral Commission.

Chapter V: Providing security for the electoral process

Article 8

Following an overall and thorough assessment of the main challenges to providing security for the electoral process, the Parties recommend the following key actions:

I. The Government

(a) Update Decree 05/026 of 6 May 2005 on the operational plan for securing the electoral process and provide the steering committee with the resources to carry out its mandate;

(b) Establish as a matter of urgency mechanisms to monitor the activities of both domestic and international non-governmental organizations, pursuant to the legislation in force;

(c) Ensure that government agencies, the police and security services remain above politics;

(d) Re-establish civil registration records to ensure fair elections.

II. The Independent National Electoral Commission

(a) Raise public awareness about the electoral process and raise the awareness of stakeholders as to challenges of the election at the national, provincial and local levels;

(b) Inform Congolese nationals abroad about the electoral process;

(c) Increase the number of trained electoral staff, taking into account the need to ensure a fair representation of women and young people;

(d) Provide election security officers with adequate resources;

(e) Open more voter registration and polling stations and ensure fair and easy access to them;

(f) Secure the transportation of ballots and sensitive electoral material;

(g) Encourage and assist, to the extent possible, political parties and independent candidates in providing adequate training to their representatives at polling stations;

(h) Ensure that the staff of the Electoral Commission are paid in a timely manner and ensure that they sign a pledge;

(i) Involve traditional leaders and religious groups in raising awareness about the registration and voting process;

(j) Involve embassies and leaders of organized Congolese communities in raising awareness about the identification, registration and voting process;

(k) Pay special attention to the needs of vulnerable groups, including persons with mobility impairment, the blind, albinos, seniors and pregnant women, by giving them priority access during the registration and voting process;

(l) Provide reliable guides to blind persons in order to help them vote for their preferred candidates.

III. Political parties

(a) Inform their supporters about the elections and teach them the basics of civics;

(b) Sign and abide by the code of conduct;

(c) Pledge to abide by the results of the elections and be courteous to other voters;

(d) Ensure that women and young people are adequately represented on their party slates.

IV. Traditional leaders and religious groups

(a) Get involved in efforts to raise people's awareness about the elections while being aware of the need to remain apolitical;

(b) Assist the Electoral Commission, where appropriate, in identifying non-registered persons;

(c) Foster peaceful co-existence among communities.

V. United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO)

(a) Support the Government in enhancing capacities and increasing the number of trained election security officials;

(b) Provide logistical and technical assistance to the Electoral Commission to enable it to organize the elections;

(c) Ensure that the other relevant provisions of Security Council resolution 2277 (2016) are implemented.

VI. The High Audio-visual and Communications Council (CSAC)

(a) Grant all stakeholders equal access to the public media;

(b) Guarantee freedom of expression;

(c) Ensure that journalists, including foreign press correspondents in the Democratic Republic of the Congo, act in an ethical manner;

(d) Impose penalties on media outlets that incite hatred.

VII. Civil society

(a) Remain above politics;

(b) Work at building a consensus for peaceful, credible and transparent elections;

(c) Promote a culture of peace and non-violence;

(d) Educate the public and raise their awareness about what is at stake in the elections;

(e) Disseminate the relevant rules and regulations and the code of conduct;

(f) Observe the elections and report thereon in a dispassionate manner;

(g) Comment objectively on all the electoral issues.

Chapter VI: Security of persons and property throughout the country

Article 9

The Parties are mindful of pervasive threats to security such as are likely to interfere with the ability of citizens to exercise their right to vote, including:

(a) The presence of local and foreign armed groups;

(b) The proliferation and unchecked circulation of firearms;

(c) Rampant crime and major urban criminal activity;

(d) The activities of some rogue elements in the national security forces;

(e) The problem of unemployed young criminals;

(f) Clashes between the *Institut Congolais pour la Conservation de la Nature (ICCN)* and the local inhabitants relating to the boundaries of national parks and nature reserves;

(g) Humanitarian challenges, including the management of internally displaced persons;

(h) Economic crime, including the illicit exploitation of natural resources and money laundering fuelled by arms trafficking in the areas concerned;

(i) The lack of State authority;

(j) Porous borders;

(k) Poor management of migrants;

(l) Lack of trust among communities resulting in inter-communal conflicts in many provinces of the country.

Article 10

In order to address these problems and provide security to citizens, the Parties call for the following appropriate measures:

(a) Disarm the local and foreign armed groups operating in the Democratic Republic of the Congo;

(b) Impound weapons held by individuals without licences;

(c) Establish helplines and early warning centres to report any threats to security during the electoral process;

(d) Improve border security during the elections;

(e) Revitalise and speed up the disarmament, demobilization and reintegration programmes;

(f) Recruit more police officers to strengthen the existing staff and provide appropriate security for the polling stations;

(g) Ensure an effective government presence throughout the country;

(h) Take appropriate steps to ensure that government officials do not engage in politics;

(i) Provide adequate security for candidates throughout the elections;

(j) Identify internally displaced persons and send them back to their places of origin once such places have been secured;

(k) Provide employment opportunities for young people lest they are recruited by armed groups or used by political leaders;

(l) Give special attention to girls, women and children victims of violence, including sexual violence, and take appropriate preventive and punitive action;

(m) Enhance cooperation between the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and the national security forces in order to ensure public safety and security;

(n) Move the refugee camps more than 150 kilometres away from the borders;

(o) Improve the social and professional status of the staff of security and defence agencies;

(p) Develop a special security plan for the eastern and northern parts of the country, especially in the areas where abductions and murders are rampant;

(q) Identify illegal aliens living in the Congo and take urgent measures to ensure that they do not interfere with the safety and security of persons and property in general and the electoral process in particular.

Chapter VII: Budget and financing of the elections

Article 11

The stakeholders recommend that the Electoral Commission should prepare a realistic budget for the entire electoral process under the option selected together with a credible and realistic operational plan.

Article 12

The stakeholders recommend that the Government should:

(a) Allocate the resources required for the elections budget and strictly comply with the disbursement plan agreed with the Electoral Commission under the operational implementation plan;

(b) Set aside a quarterly provision for the Electoral Commission in accordance with its disbursement plan to finance the entire electoral process, including security arrangements;

(c) Provide all the necessary resources to cover the elections;

(d) Explore ways of streamlining the electoral system in order to cut election costs.

Article 13

The stakeholders recommend that the Parliament should monitor the use of the budget allocated to Electoral Commission on a quarterly basis.

Article 14

The Electoral Commission shall prepare a detailed budget for the entire electoral process within 20 days of the signing of this Agreement and submit it to the Government.

Chapter VIII: Code of conduct for the elections

Article 15

In order to ensure that the electoral process is carried out in a peaceful manner, the Electoral Commission shall establish a code of conduct in consultation with the stakeholders immediately after the final lists of candidates for the presidential, national, provincial local, municipal and urban elections have been prepared.

The code of conduct shall set forth the principles, commitments and penalties required to ensure peaceful and orderly elections at all levels.

Article 16

The stakeholders involved in the different ballots shall pledge to sign and abide by the code.

Chapter IX: Institutions of the Republic

Article 17

Upon determining that the elections were not conducted within the constitutionally-mandated time frame and in order to ensure that the elections are actually conducted, the stakeholders agree to the following provisions on the institutions:

(a) In keeping with the Constitution, the incumbent President of the Republic shall remain in office until the newly-elected President is sworn in;

(b) The national and provincial deputies, senators, provincial governors and deputy governors shall remain in office until their duly elected successors are sworn in;

(c) Within 21 days of the signing of this Agreement, a new government of national unity shall be formed. Without prejudice to the constitutional and legislative provisions in force, the prime minister shall be chosen from among the representatives of the political opposition signatory to this Agreement.

Chapter X: Confidence-building measures

Article 18

The Parties take note of measures taken by the Government to defuse tension and to build confidence.

They encourage the Government to pursue its efforts to reduce tensions with a view to promoting harmony and national reconciliation.

Article 19

The stakeholders agree to the following confidence-building measures:

(a) Review the appointment of members of the political opposition to the Electoral Commission pursuant to the relevant rules and regulations;

(b) Strengthen the Liaison Committee between the Electoral Commission and the political parties and the consultation forums between the Electoral Commission and civil society and other non-State partners;

(c) Provide the Electoral Commission with better technological resources for the timely transmission of the results of the elections;

(d) Ensure the equitable participation of women across State institutions and bodies and in political parties, in accordance with the relevant national and international legal and regulatory instruments, including Article 14 of the Congolese Constitution, United Nations Security Council resolution 1325 (2000) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women (2003);

(e) Increase the representation of youth in all decision-making bodies;

(f) Guarantee the right of all Congolese citizens to organize and/or participate in political meetings and events in accordance with law and order;

(g) Guarantee the right to use the media to denounce any and all forms of harassment, intimidation, interference, threats or acts of physical violence as part of the electoral process, in keeping with the law;

(h) Respect and protect journalists and other media professionals covering political events;

(i) Ensure that government agencies, security and intelligence agencies and the judiciary remain above politics;

(j) Preserve the independence of the members of the Electoral Commission;

(k) Strictly respect the principle of the separation of powers;

(l) Refrain from manipulating young people for political gain but instead commit to offer them opportunities to learn and freely form their own opinions;

(m) Conduct training for polling officers;

(n) Encourage the relevant political and social stakeholders to act in a responsible and conciliatory manner before the media or the public;

(o) Encourage the Government to step up efforts to provide free primary education throughout the country;

(p) Encourage the Government to pay off its domestic debt;

(q) Encourage the Government to take measures to increase the salaries of civil servants.

Chapter XI: Implementation and monitoring of the Agreement

Article 20

In order to ensure that this Agreement is effectively implemented, the Parties agree to establish a committee to monitor the implementation of the recommendations of the dialogue, CSD.

Article 21

The Committee shall be composed as follows:

(a) Presidential majority: seven representatives;

(b) Political opposition: seven representatives;

(c) Civil society: four representatives.

Members serve as representatives of individual entities.

Congolese personalities representing the Parties to the dialogue shall be paid by the appointing entities.

The Monitoring Committee shall hold its inaugural meeting one month following the signing of this Agreement and shall adopt rules of procedure and a programme of work for the entire election cycle covered by this Agreement.

Article 22

The Monitoring Committee shall be responsible for:

(a) Monitoring the timetable for the implementation of the Agreement;

(b) Providing regular updates on the progress of the implementation of the Agreement;

(c) Providing an interpretation of the relevant provisions of the Agreement in order to find a resolution in case of disputes among the Parties;

(d) Conducting regular assessments of the electoral process with the Electoral Commission and the Government.

Article 23

The organizations of members of the Support Group shall provide such assistance and support to the Committee as are required to carry out its mandate.

The African Union, the Southern African Development Community, the International Conference on the Great Lakes Region, the Economic Community of Central African States and other regional organizations may send evaluation missions to the Monitoring Committee and the Government.

Chapter XII: Final provisions

Article 24

This Agreement is open for signature by any political parties or groups and any civil society organizations that undertake to abide by all its provisions.

Article 25

This Agreement shall enter into force upon signature by the stakeholders in the inclusive national political dialogue.

Done at Kinshasa on 18 October 2016

(*Signed*) Edem **Kodjo**
Facilitator of the inclusive national political dialogue in
the Democratic Republic of the Congo

Annex II to the letter dated 20 October 2016 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

Press release of the President of the Republic of Chad and Chairperson of the African Union

The Chairperson of the African Union, His Excellency Idriss Deby Itno, President of the Republic of Chad, welcomes the signing of the political agreement in the Democratic Republic of the Congo.

The Chairperson of the African Union, His Excellency Idriss Deby Itno, notes with great satisfaction the signing of a Political Agreement in the Democratic Republic of the Congo following the deliberations of the inclusive national political dialogue, which started on 1 September 2016.

On this occasion, he offers his warmest congratulations to the Government and other stakeholders who participated in the process for their spirit of compromise, which made it possible, thanks to this Agreement, to lay the foundations for free, democratic and transparent elections in the Democratic Republic of the Congo.

He also welcomes the fact that a mutually acceptable date for presidential and legislative elections has been set and that all the stakeholders fully reiterated their commitment to the provisions of the Constitution.

In addition, he warmly congratulates His Excellency Edem Kodjo, the facilitator appointed by the African Union, for his patience and determination, which made it possible to achieve such an important outcome. He further congratulates the members of the facilitator support group, who made an invaluable contribution to developing the process that led to the Agreement. He conveys his special thanks to the Security Council of the United Nations, whose resolution 2277 (2016) established the framework for the dialogue. He calls on all members of the opposition who did not take part in the dialogue to join the resulting consensus outcome in order to banish the spectre of crisis from their country once and for all and to support the momentum of peace and development which the people of the Democratic Republic of the Congo have long yearned for.

The Chairperson reiterates the readiness of the African Union to support the Democratic Republic of the Congo throughout the lead-up to elections in the country.

Kinshasa, 18 October 2016

Annex III to the letter dated 20 October 2016 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

Press release of facilitator Edem Kodjo

Conclusion of the work of the inclusive political dialogue in the Democratic Republic of the Congo

The work of the inclusive national political dialogue ended today, Tuesday, 18 October 2016, with the signing of the political Agreement by all the stakeholders in the dialogue.

The signing ceremony was marked by the speeches of the Commissioner for Peace and Security of the African Union and the Deputy Special Representative of the Secretary-General of the United Nations for the Democratic Republic of the Congo and the closing statement of facilitator Edem Kodjo.

For Ambassador Smail Chergui, the Commissioner for Peace and Security of the African Union, the Agreement lays the foundations for lasting peace in the Democratic Republic of the Congo.

Mr. David Gressly, the Deputy Special Representative of the Secretary-General of the United Nations for the Democratic Republic of the Congo, urged all Congolese to support and build on the momentum created by the Agreement and to work for the common interest and for credible, peaceful elections to be held in accordance with the Constitution.

For his part, Edem Kodjo stressed that the Agreement was a document and a commitment that belonged to the Congolese people. It expressed the wish of the Congolese people and had been signed by the Congolese people. However, he warned that the signing of the Agreement should be seen as the launch of the most important phase, which would entail ensuring that the Agreement is actually implemented. "The consensus you have arrived at in this hall must be sustained and not fleeting" he said, calling for the effective implementation of the Agreement.

Indeed, for Edem Kodjo, the flowery language or legal niceties of an agreement are worth nought if its provisions are not implemented. He concluded by saying, "You are all witnesses. You must succeed."

Kinshasa, 13 October 2016